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EAST TIMOR

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Question of the violation of human rights and
fundamental freedoms in any part of the world

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II. MAP OF THE REGION

I. INTRODUCTION

"A period of foreign domination strengthens national unity, fosters a climate of reconciliation and speeds the incorporation of strata struggling for more recognition and power".
(DAHL, R., Polyarchy, Yale University Press, 1971)

In 1976, East Timor was occupied by Indonesian troops. Since then, the Jakarta government tries to impose as an ineluctable reality its presence in the territory.
Though East Timorese claim for their inalienable right to self-determination through constant requests of independence and peaceful demonstrations in support of their demand, the Indonesian forces respond with increasing forms of violence.
Cruel intimidations and tortures, massive transfers of population, arbitrary arrrests and the development of a genocidal policy cannot but rise a high number of human rights concerns.

The purpose of this working-paper is to examine some of the principle events which took place in East Timor during the past months as well as the reactions they provoked around the world. Our intent is to underline how basic rights and fundamental freedoms, including the right to self-determination, are permanently violated and to alert the international human rights community to take concrete measures in view of stopping this continuous disregard of universal legal instruments which affects the dignity of the East Timorese people.
That is the reason why the International Organizations Department - East Timor - Division of Human Rights and Education appeals all the UN member and observer States present at this 49th session of the Commission on Human Rights as well as NGOs and humanitarian groups to carefully monitor and fully support the cause of East Timor and East Timorese.

II. HISTORICAL BACKGROUND

(extract from a paper by Dr. Sam Blay, Senior Lecturer in Law, University of Tasmania, presented at a seminar on Legal Aspects of the East Timor Conflict, held at the Faculty of Law, University of New South Wales in 1992).

A. THE EAST TIMOR QUESTION: A BACKGROUND

East Timor was one of the last Portuguese colonial territories. Portuguese rule over the territory started in 1520. As was typical of Portuguese colonial policy, East Timor was regarded by Portugal as part and parcel of metropolitan Portugal. But in spite of this, the political, economic and social infrastructure provided by Portugal for the benefit of the colony and its people was minimal. Political activity that bordered on nationalism was generally discouraged. Even though there was some nationalist activity in 1912 and in the late 1950's during the inception of the period of decolonization, Portugal did not permit the formation of political parties as such in the colony. The only political party that was permitted to operate was the Accao Nacional Popular (ANP), the official party sanctioned by Lisbon. Portugal, under the Caetano regime, did its best to ensure its continue political control over its colonies despite persistent calls from the UN to decolonize.

In 1974, events changed considerably both from the Portuguese colonies and for Portugal.

After the so called Carnation Revolution, the Caetano administration was overthrown in a military coup. The new administration in Lisbon under General Spinola embarked on a program of decolonization. The prohibition on the formation of political parties and nationalist political activity in East Timor was removed.

Several political parties were subsequently formed and the scene set for democratic political activity in optimistic preparation for eventual exercise of self-determination. While sections of the East Timorese community favoured complete independence from Portugal, some favoured some form of continued association with it. Some East Timorese on the other hand favoured integration with Indonesia. The Uniao Democratica Timorense (UDT) that was formed in the period was pro Portugal, and favoured some form of closer links with it. In many respects the UDT came to replace the official ANP. Apodeti which was also formed in the period on the other hand advocated integration with neighbouring Indonesia. The Associoacao Social Democratica Timorense (ASDT) later to become the Frente Revolucionaria Timor Leste Independente (FRETILIN) which was officially formed in May 1974 however favoured for complete independence.

Towards the end of 1974, the pro-Lisbon UDT changed its

nationalist policy in favour of complete independence for the territory. The change made the UDT and the FRETILIN obvious allies and isolated Apodeti and in January 1975, they came together to form a pro-independence coalition in their quest for self-determination. However, in May 1975, UDT quit the coalition. Worried about the events in the territory and in an effort to prepare East Timorese parties for a self-determination exercise, Portugal organized decolonization talks aimed at bringing the parties together or discuss the time table for the elections or the referendum on the future of East Timor.

B. THE MACAO AGREEMENT AND THE CIVIL WAR

Despite the absence of the FRETILIN, the Macao talks held in June 1975 proved useful and indeed promising and won the consensus of all the parties including the FRETILIN. It was agreed that in preparation for self-determination, Portugal would appoint a High Commissioner for the territory assisted by five deputies three of whom would be East Timorese. There was also to an elected Advisory Council that was to be representative of the people More; significantly, the talks agreed that there would be general elections in the colony in 1976 to elect a consituent assembly to draft the constitution for East Timor and to decide on the future of the territory.

However, before the agreement could become operative, the UDT staged a military coup aiming at dislocating FRETILIN and ensuring its own control of the territory. The coup brought the UDT into direct military confrontation with FRETILIN and plunged the colony into a civil war. When attempts at peaceful negotiations failed, the Timorese colonial army joined ranks with the FRETILIN and with their assistance, the UDT forces were defeated after three weeks of fighting. FRETILIN gained control of territory by mid-September 1975 and immediately set out to form a "provisional administration". Nevertheless, Portugal still remained in control of the colony with the governor having moved his seat of administration to the island of Atauro, off the East Timor coast as a result of the civil war.

C. INDONESIAN ASSAULT ON EAST TIMOR

From September 1975, given the prospects of FRETILIN controlling the whole East Timor, the UDT, KOTA and the Partido Trabalshita joined forces and declared their desire for integration with Indonesia. Between October 6 and 16, 1975, Indonesian troops assisting the troops of the new coalition launched a series of assaults on East Timor capturing a number of towns including Batugade, Balibo and Maliana. The incursions into East Timorese territory and the responses they provoked from FRETILIN defence

forces gave the appearance of continued civil strife in East Timor. The appearance of continued civil strife was made to look real by the failure of Portugal as the legitimate colonial administrator to react to the incursions into the territory and by its implicit acceptance that a state of civil war existed at the time. On 1 November 1975, Portugal initiated a meeting in Rome to discuss the situation in the colony. The Rome talks were held only between Portugal and Indonesia to the exclusion of the parties in East Timor. Indonesia had insisted that it would only participate in talks with Portugal as the administering power. The involvment of Indonesia was based on its interest as a state sharing borders with a colony in strife and the influx of refugees forced to go into Indonesia as a result of the "civil war". At the talks the two states expressed their "adherence to the principles of decolonization... and to the scrupulous safeguarding of the principle of respect of the will of the people of Portuguese Timor" and agreed "on the necessity to convene at the earliest possible time, a meeting between Portugal and all political parties in Portuguese Timor simultaneously and aimed at ending armed strife and bringing about a peaceful and orderly process of decolonization in Portuguese Timor". The involvement of Indonesia and the exclusion of the East Timorese parties amounted to a recognition of Indonesia as a principal actor in the decolonization process of East Timor and paved the way for Indonesia intervention.

D. THE DECLARATION OF AN INDEPENDENT STATE OF EAST TIMOR AND THE REACTION OF PORTUGAL AND INDONESIA

In the face of Indonesian assaults on East Timor, the obvious failure of Portugal to act to safeguard the colony's territorial integrity and the prospects that the colony may eventually be overrun by the invading forces, FRETILIN made plans for a unilateral declaration of independence (UDI). It set 1 December 1975 as the date of independence. The logic of the UDI was that as an independent state, East Timor had a better chance of dealing with Indonesia aggression with the assistance of the United Nations and indeed the international community. Continued Indonesian incursions into the colony and in particular the capture of the strategic town of Atabai made the independence more pertinent and forced a change of date for the UDI on 28 November 1975.

On 30 November 1975, the remaining political parties in East Timor, UDT, APODETI, KOTA and the Partido Trabalhista, in a joint statement in the town of Balibo also proclaimed the independence of the colony and its simultaneous integration with Indonesia. The part also announced the formation of a "Provisional Government of East Timor" in Dili and further called on the government of Indonesia to supply them with economic and military assistance. For all practical purposes there were two governments for the now indipendent East Timor,

but whereas FRETILIN sought to exercise self-determination through total independence, the four parties opted for integration with Indonesia.

Portugal rejected both claims, noting that it still considered itself the legitimate administrator of the colony. It however admitted that it was unable to deal with the situation effectively. On the other side the House of Representatives called on the Indonesian government to take steps to restore peace and security in the region, "to enable the people of East Timor to exercise their right to self-determination in a free and orderly manner". The House also urged the government to further take "stern and concrete measures in all fields and forum so as to find a solution to the Portuguese Timor problem". The stage was so set for a full scale Indonesian intervention in the territory. Indonesian assisted attacks against FRETILIN positions in the teritory intensified. The capital, Dili was captured on 7 December and a "Provisional Government of East Timor" installed ten days later on 17 December 1975. For all practical purposes, the Portuguese administration of the colony ended on this day.

E. UN RESPONSES TO CRISES IN EAST TIMOR

The "final" invasion of East Timor in the first week of December 1975 took place while the United Nations General Assembly was in session. In fact during the period of the invasion, the UN Fourth Committee was considering the issue of East Timor. The invasion therefore prompted a quick response from the UN and the Fourth Committee adopted a resolution "deploring" the Indonesian invasion and calling for the withdrawal of Indonesian forces. A day later the General Assembly also adopted a similar resolution by 69 to 11 votes with 38 abstensions. The Security Council adopted a resolution by unanimous vote calling for the withdrawal of the Indonesian forces and reaffirming the right of East Timor to self-determination. Far from withdrawing its troops, Indonesia consolidated its military position in the territory to pave the way for its incorporation.
Upon its installation, the new Provisional Government of East Timor extended an invitation to the UN Special Committee on Decolonization, the Security Council and the UN Secretary General to attend the first meeting of the Regional Popular Assembly in Dili on 31 May 1976. All the invitations were declined. The Chairman of the Special Committee based the Committee's refusal to accept the invitation on three principal grounds: the General Assembly's Resolution 3485, the Security Council remaining seized of the matter after its resolution 389 and more significantly the fact that the Committee 'has in no way been involved in the proceedings leading up to the announced "meeting of the Regional Popular Assembly that will be convened...'". The absence of UN officials not withstanding, the Regional Assembly met on 31 May as scheduled. Among the

other matters, the Assembly adopted a petition urging "the Government of the Republic of Indonesia to accept and legalize in the shortest possible time the integration of the people and the territory of East Timor as a whole with the unitary state of the Republic of Indonesia without a referendum.
A day after the Provisional Government of East Timor cabled the UN Secretary-General and the Chairman of the Special Committee requesting their "good offices to persuade the Government of the Republic of Indonesia to accept immediately the petition" and on 8 June 1976, the Provisional Government submitted the petition to the government of Indonesia.
In an apparent effort to add a cloak of legitimacy to the integration process, Indonesia decided to send a mission to East Timor for the purpose of "making an on-the-spot assessment of the wishes of the people of East Timor, as formallly expressed in the petition." Indonesia subsequently extended an invitation to the UN Secretary General to visit the territory concurrently with the mission. Similar invitations were extended to the Security Council and the Special Committee on Decolonization. As it must have been expected by Indonesia, the United Nations rejected the invitations on the bases of Security Council resolutions directing Indonesia to withdraw from the territory. The visit of the mission took place on 24 June 1976, as scheduled by Indonesia. Indonesia was later to report that the mission "provided convincing evidence that the people of East Timor truly and independently have a strong desire to integrate East Timor into the unitary state of the Republic of Indonesia". On 17 July 1976, the Indonesian parliament consequently passed a law incorporating East Timor into Indonesia. By a cable dated 6 August 1976, the government of Indonesia notified the UN Secretary-General that effective from this date (i.e. 17 July) the territory of East Timor has thus become an integral part of Indonesia.

III. RECENT EVENTS INSIDE EAST TIMOR

A. ABILIO OSORIO SOARES APPOINTED GOVERNOR OF EAST TIMOR

The selection of hardliner Abilio José Osorio Soares as East Timor's new governor confirmed Jakarta's determination to squash the independence movement in the island. Soares, nominated on September 1992 by the local assembly in the East Timorese capital Dili and after the ratification of his nomination by President Suharto, took office on 1 October, succeeding Mario Viegas Carrascalao. The former regent of Manatuto province in central East Timor and mayor of Dili in the 1980s has always favored integrating East Timor with Indonesia, which unilaterally annexed it in 1976.

The Indonesian press describes him as close to a Suharto son-in-law, Lieutenant Colonel Prabowo Djojohadikusumo, who came up among the elite Indonesian troops that invaded East Timor and well known for his radical methods.

Moreover, during the selection of Soares, the new army commander-in-chief in East Timor, General Theo Syafei, was unequivocal; "the new governor must fight for the integration of Timor" with Indonesia and "exterminate those who are two faced ", he told the official news agency Antara. He also noted, according to the Kompas newspaper, that Soares had the support of the army. On his side, Osorio Soares in an interview in the issue of the Indonesian beweekly Forum Keadilan speaking about the Dili events of November 1991, declared: "As far as I'm concerned, I think far more should have died. Why only that number die? Why not all the one thousand? We should be realistic when we consider the situation in East Timor. Aren't we being democratic enough? The entire people are in favour of integration but there are still those who are causing trouble.....The fact is that the lives of many peoples were disrupted by their trouble-making. Moreover we have to be principled. What happened was an incident. It wasn't something we wanted to happen. The time will come when people will be convinced that it was an incident and that it was quite understandable."

B. THE DILI MASSACRE ONE YEAR AFTER

A report released in Lisbon on 3 October 1992 pointed to a much higher death toll at the 12 November 1991 massacre of civilians in Dili: 273 killed, 275 disappeared and 376 wounded was the finding of several months of investigation carried out in East Timor by a wide range of East Timorese elements and smuggled out of East Timor. The report provides the names and ages of all the persons killed, missing or wounded.

Most disturbing, almost half of the killed are 21 years or younger and almost all are below the age of 30. The release of the figures coincided with the airing in Lisbon

of a home-made video in which five East Timorese survivors and witnesses of the massacre claim than more than 200 people were killed and that they saw more than 100 corps being dumped in the sea.
The information was gathered spontaneously over three months by East Timorese people, mostly following standard forms produced by the National Council of Maubere Resistance. These forms seek as much information as possible on the victim: name and surname, age, case (dead, disappeared or wounded), family details and in each case there is a space for the signature or mark of the person who gave the information. While other less complete forms are included, most mention the victim's profession and some even the victim's birthplace.
The lists are in themselves testimony to the bravery and determination of the East Timorese people. They were collected in a time of severe repression by the Indonesian military and East Timorese found in possession of such lists were imprisoned. The suppression of information by Indonesia led to families and friends of victims being too frightened to speak of their missing or dead children because of possible repercussions. Despite the threats, many spoke out.
As Peace is Possible in East Timor pointed out "the figures are far higher than those fournished previously. To the 150-180 killed on 12 November 1991, the victims of the collective massacres on the following days have not been added, even though they had been revealed by credible sources". As for the discrepancy on the number of disappearances as compared with earlier estimates, it is clear that people continued to disappear for many weeks with the date sometimes given on the sworn lists. The huge disparity in the figures for the wounded is because the official (Indonesian) figures of 91 only referred to those victims in the Dili military hospital.

C. THE CAPTURE OF XANANA GUSMAO

On 20 November 1992, the Indonesian military forces captured Timorese resistance leader José Alexandre (Xanana) Gusmao in Dili. In the following few days, they rounded up dozens of his friends and family members, aged from 13 to 74. For the first ten days all were held incomunicado in secret locations, subject to unspeakable threats, drugs and torture.
As the Indonesian crackdown in East Timor continued, the increased violence and disinformation emanating from Jakarta was met by worldwide calls for the prisoners to be treated in accordance with Indonesian and international law - no torture, access to attorneys of their own choosing, etc. Portuguese President Mario Soares called on Indonesia to release Xanana and offerred him asylum.
After ten days, his military captors put Xanana on television, for a "cordial breakfast chat". His interviewer/translator was Abilio Osorio Soares, the Indonesian-appointed governor of East Timor. In the interview, Xanana renounced the East Timorese

struggle, supported the integration of East Timor into Indonesia and called on his former colleagues in the Timorese underground to surrender.

Xanana's startling about-face had little credibility outside Indonesia. Instead, it provoked international outcries against mistreatments of himself and his family. "Sorry, but we're not that stupid," said Mario Carrascalao, who served as governor of East Timor for 10 years before leaving office in September, quoted in the Washington Post. "I am against FRETILIN, but when I saw that statement, I was ashamed as a Timorese. It was an insult to my intelligence as a Timorese".

Psychologists and people who know Xanana personally viewed the videotape of the interview and concluded that Xanana has not internalized what he was saying, that there are clear signs that he had been tortured.

The Red Cross was finally allowed to visit Xanana on 7 December. After that, Indonesian police made him available to selected journalists under strict military supervision and censorship. According to Portuguese TSF reporter Joao Gabriel, who met with Xanana (and 30 ABRI officers) on 10 December, the rebel leader covertly made it clear that he still supports the struggle for Timorese independence.

The state-influnced Indonesian media has let loose a flood of fabrication about Xanana and the reputed collapse of the Timorese resistance, including forged letters, purportedly written by Xanana and widely distributed by the occupying forces in East Timor.

The Indonesian press has been filled with stories of guerrillas turning themselves in, totaling far more people than the Indonesians ever admitted were in the so-called "security disrupters". Although the Jawa Pos newspaper reported that Bishop Belo had prepared a letter urging guerrillas to surrender, the Catholic prelate was quoted in the Portuguese Publico newspaper: "This is a question of conscience for each individual, isn't it? To call on people to surrender and then kill them all. How could the church take responsibility for that? Each person is responsible for their own survival".

According to TAPOL, however, the reported surrenders are mass arrests, if they happened at all.

Notwithstanding this propaganda, the struggle continues. In Xanana's absence, Mau Huno (Antonio Joao Gomes da Costa) has assumed the leadership of the unified resistance and confirmed the ongoing military and diplomatic campaign for East Timorese independence, including José Ramos-Horta as Special Representative of the National Council of Maubere Resistance.

Numerous communications from inside East Timor speak of greatly increased repression. One reliable source, relayed by TAPOL on 6 January 1993, described widespread arrests and fear, even among people who did not support the underground. They gave some specific examples: some members of the underground organizations who "surrendered" in Baucau and who were ordered to go into the bush to hunt down guerrillas have since been killed by Indonesian soldiers because they failed to capture

anyone. Operations by the military have reached a new peak of ferocity, forcing people to take oaths (sworn in blood to support Indonesia), all of which is carefully recorded. Youths, especially young girls, are being compelled to attend dance parties held by soldiers all over the country. No one dares to refuse or to protest as everyone is very afraid.
But, the resistance is more than one person and the struggle continues.

IV. THE INTERNATIONAL COMMUNITY AND EAST TIMOR

A. US CONGRESS CUTS MILITARY AID TO INDONESIA

On 2 October 1992, a House-Senate Committee deleted $2.3 million in International Military Education and Training (IMET) funding for Indonesia from the foreign aid appropriations bill to protest human rights violations in East Timor. The bill was signed into law by President Bush on 6 October.

The cutoff of the only direct US military aid for Indonesia came after a hard-fought battle, in which Indonesia enlisted members of the US military, government and major corporations to lobby for the program which trains about 150 military officers annually in the US. More than 2600 have come since Indonesia invaded East Timor in 1975.

By resisting pressure from business interests and the Suharto and Bush administrations, Congress sent a strong message. This is the first time that Congress has cut aid to Indonesia over East Timor.

In June, the House of Representatives unanimously approved an amendement proposed by Ronald Machtley (R-RI) and Tony Hall (D-OH) to defund the IMET program. They also required that each economic aid project for Indonesia should be approved by Congress. The issue was decided in three days and pro-Indonesia forces did not make a serious effort to influence the vote.

In the Senate, however, they had three months to lobby and made this a major issue. Business representatives told Congress that Jakarta had threatened to retaliate against US firms if aid was cut and Senators were contacted by cabinet officials and admirals. Lobbysts for General Electric, AT&T, Freeport-MacMoRan and McDonnell-Douglas went to work.

The debate garned television coverage (ABC-TV sent reporter Charles Glass to East Timor under cover and World News Tonight broadcast an excellent segment on 21 September), an editorial in the Wall Street Journal and widespread discussion. Senators heard from human rights, church, peace and East Timor solidarity groups. Although the grassroots groups could not match Jakarta's money and high-level contacts, they mobilized many Americans who had previously been inactive on East Timor.

On 23 September, the Senate Appropriations Committee voted 15-12 to disallow IMET unless the State Department certified that conditions proposed by Senator Daniel Inouye (D-HI) were met. Unfortunately, the conditions did not require anything concrete from Jakarta. The Committee voted down stronger conditions from Subcommittee chair Patrick Leahy (D-VT) that required Indonesia to permit human rights observers to East Timor and to list people killed and jailed during and after a massacre there last 12 November when Indonesian troops shot into a peaceful memorial procession.

When the conference committee met on 2 October, House

Subcommittee chair David Obey (D-WI) fought for a total suspension of IMET, joined by Representatives Matthew McHugh (D-NY) and John Edward Porter (R-IL). Senator Leahy proposed conditions stronger than those rejected by the Senate, and was supported by Representatives Mickey Edwards (R-OK), ranking Republican on the House Subcommittee. When Inouye and his supporters saw that they did not have the votes, they agreed to a total cutoff, expecting that Suharto would reject conditional aid as an insult to national pride.
Legislators from both parties warned of further cuts if Indonesia did not move towards human rights and self-determination for East Timor.
Although the aid cutoff was not extensively reported by the United States media, it did get worldwide attention. According to the Indonesian newsmagazine Tempo, the US State Department called the cut "counter-productive for America's efforts to promote an appreciation of human rights in Indonesia", claiming that IMET promotes democratic values. At least one Indonesian IMET graduate, Sayidiman Suryohadiprojo (former head of the army's National Defense Institute), disagrees: "It's nonsense to say that the US opens the officers'minds to human rights. We went there only to study military affairs and there's no connection whatsover with human rights."

B. REACTIONS AROUND THE WORLD AFTER XANANA GUSMAO'S ARREST

1. Portugal

20/11/1992 - The President of Portugal, Mario Soares contacted the UN Secretary-General to ask the United Nations to intercede in order to protect Xanana Gusmao from being tortured. In a statement to the press in Lisbon, Soares said that he was deeply concerned about the possibility that the leader of East Timorese resistance might be tortured or maltreated by the Indonesian armed forces. The head of state expressed the conviction that the internal pressure and reactions that have greeted the announcement of the arrest of Xanana Gusmao will help to protect the resistance leader. President Soares expressed the nation's solidarity with Xanana Gusmao, adding that Portugal is prepared to receive the resistance leader, in the event that he is released by the Jakarta authorities.
According to a Reuter report from Lisbon, president Soares called for the release of Xanana in an interview with Portugal radio TSF. "... The Indonesians are people who have no respect for human beings, it is a fierce dictatorship and they are very likely to torture Xanana Gusmao. Xanana Gusmao is a man of courage and a man of determination who was struggling for the independence of his country. I have great admiration for the Timorese leader".

2. Japan

21/11/1992 - The Japanese diet member Satsuki Eda delivered the following press release: ... Chairman Gusmao's arrest is extremely regrettable and I am concerned for his safety. Chairman Gusmao is indispensable to negotiations between the concerned parties, negotiations proposed by the United Nations in order to seek a solution to the East Timorese issue and his safety and freedom are matters of grave international concern. I request the Indonesian authorities to refrain from the use of torture, drugging, forced confession, or execution of Chairman Gusmao. I further call on the international community to closely follow his case.

3. Great Britain

22/11/1992 - Lord Avebury wrote to UN Secretary-General the following letter: ... The Security Council and the General Assembly demanded the removal of Indonesia's armed forces from East Timor on several occasions and they have no jurisdiction in the territory. Any proceedings by the military against Xanana Gusmao are ultra vires and I hope you will emphasise this point to the Indonesian authorities. The treatment of Xanana Gusmao while in detention should be governed by the Geneva conventions on prisoners of war and this should include access by the Red Cross. ...

4. United States

11/12/1992 - Rep. Tony Hall (D-OH) lashed out at the Indonesian government over new accounts of widespread terror and atrocities by Indonesian forces in the wake of the capture of Xanana Gusmao, leader of the resistance in Indonesian-occupied East Timor. "These are horrendous reports", said Hall. "The United States should not tolerate this kind of conduct by the Indonesians any longer. The international community should make it clear that, one way or another, Jakarta will pay a striff price if this continues". Hall pointed out that there is a longstanding interest in Congress in the plight of East Timor and said that "Indonesia will suffer in terms of international goodwill and in other ways if Jakarta continues on its hard-line source".

5. European Community

17/12/1992 - The European Parliament delivered the following press release. The situation in East Timor again drew a response from Parliament in a resolution which calls for the immediate and unconditional release of all Timorese political prisoners. Parliament wants immediate access for representatives of the UN Committee on Human Rights and Amnesty International to East Timor and to Indonesian prisons. The resolution warns Indonesia of the consequences that repeated violations of human rights and international law may have for relations with the EC.

C. "PEACE TALKS" AT UN HEADQUARTER IN NEW YORK

On 17 December 1992, the Foreign Ministers of Portugal and Indonesia conferred with Secretary-General Boutros Boutros-Ghali on the question of East Timor and agreed to another round of talks with him in Rome on 20 April 1993. "Prior to this, talks will be held at UN headquarters between representatives of the two governments", a UN spokeman added. Boutros-Ghali held separate meetings with Portuguese Foreign Minister José Manuel Durao Barroso and Indonesian Foreign Minister Ali Alatas before presiding over a joint meeting of the two and hosting a working lunch. The meetings, which followed preparatory talks at UN headquarters in September, were "in the context of the search for a just, comprehensive and internationally acceptable solution to the question of East Timor" the UN spokesman said.

As a matter of fact, Portugal and Indonesia reported little progress in their first direct ministerial-level talks on the question of East Timor. Although Indonesian Foreign Minister described the encounter with his Portuguese counterpart as "good and constructive", he admitted their positions "remained diametrically opposed". Barroso said the talks were "very frank, very long, but there was no progress".

Portugal, as the UN designated administering power of East Timor, wants the people of that territory to exercise their right to self-determination. Indonesia, which occupied East Timor in 1975, claims that the people expressed their will in July 1976. "An overwhelming majority decided in favour of integration with Indonesia", Alatas told reporters after the meeting of 17 December. But the United Nations and the international community have asked for a referendum to decide the issue. "We don't believe another referendum is necessary", Alatas said.

Durao Barroso said Gusmao's condition was discussed, but he declined to give details. He said, however, that Indonesia has been pressed to allow international human rights organizations into East Timor to verify the situation.

V. CONCLUSION AND RECOMMANDATIONS

The International Organizations Department - East Timor - Division of Human Rights and Education would like to manifest its deep concern about the deterioration of the conditions of human rights in East Timor. Information detailed herein show the persistent nature and considerable magnitude of the violations of basic rights and fundamental freedoms permanently committed in East Timor by Indonesian authorities.

In consequence, the International Organizations Department - East Timor - Division of Human Rights and Education urges the UN human rights bodies, including the Commission on Human Rights, NGOs and the international community as a whole to consider the concerns expressed above and to appeal to Indonesian authorities:

1) to honour their committment to facilitate access to East Timor by humanitarian and human rights organizations;

2) to respect the universal legal instruments which recommend the full recognition of human rights for every human being;

3) to respect the inalienable right to self-determination of East Timorese.

ANNEXES

I. JOSE RAMOS-HORTA, SPECIAL REPRESENTATIVE OF THE NATIONAL COUNCIL OF MAUBERE RESISTANCE, MAIN DECLARATIONS

(September-December 1992)

3/9/1992 - Commenting in Lisbon the new data emerged since the Dili massacre: "This is deliberate killing of the young people. My God, I am horrified at these findings. Most are young people. The Indonesian always claimed that only the older generation are anti-integration. But now they are killing all our young people because they too oppose integration";

commenting the appointment of Abilio Osorio Soares as new governor of East Timor: "He is a common criminal who personally tortured and murdered innocent civilians. ...The Indonesian authorities by appointing this man as their new puppet Governor are showing how lacking in support they are";

referring to possible peace solutions: "There cannot be peace without the victims being consulted on their future. On the other hand we are prepared to show flexibility and statesmanship and work on a formula that is acceptable to the Indonesian side. There are at least two possibilities: we could adopt the Afghanistan proximity-talks model or we could invite the Catholic Church of East Timor and the Vatican to take part as active observers. The Catholic Church could very well represent the people of East Timor at least in the first stages".

18/9/1992 - Commenting in Dublin his meeting with Irish Foreign Minister David Andrews: "He could not have been more straightfoward in voicing his outrage. We would like to see Ireland playing a more active role".

5/11/1992 - Commenting in Sydney the election of US President Bill Clinton: "I am confident that with a Clinton administration, the Americans will detach themselves from the current military dictatorship in Indonesia and will move more aggressively in support ... of an independent East Timor".

5/11/1992 - Excerpts of a statement delivered at the Foreign Correspondent's Association in Sydney: "Gen. Try Sutrisno and many other members of Idonesian military forces are guilty of the crime of genocide as defined by the 1949 Geneva Convention on Genocide and we will spare no effort in seeing them brought to justice. Their time will come".

"We applaud the Portuguese Minister for Foreign Affairs for his courage in standing up for human rights in recent ASEAN-EC Ministerial meeting in Manila. It was not only East Timor that was at stake. At stake was the EC own official proclamation of 28 November 1991 linking cooperation with human rights and democracy".

"The UN Secretary-General is aware that there cannot be an internationally acceptable solution and lasting peace in East Timor without the East Timorese themselves being consulted on their own fate. A process of consultation cannot be other than a referendum on self-determination under international supervision. ... Our vision of an independent East Timor is the vision of East Timor and the seas surrounding it as a Zone of Peace".

20/11/1992 - Commenting on BBC radio the arrest of Xanana Gusmao: "We will continue, we will persevere and I believe that Indonesia's capture of Commander Xanana Gusmao has only created another problem for them. They have an explosive situation in their hands. It is not the arrest of Commander Xanana Gusmao that is going to resolve the problem for them".

12/12/1992 - Commenting with Editor newspaper the arrest of Xanana Gusmao: "The news of Xanana's arrest made me very sad indeed. As long as he is in the hands of the Indonesian authorities, they must be held responsible for everything that happens to him".

22/12/1992 - Commenting the results of the "peace talks" held in New York on 17 December: "Talks at this stage are meaningless. Indonesia understands only the language of strength and we should go for all-out diplomatic confrontation. ... But in the final analysis, there has to be an act of self-determination in East Timor. If the result of this process, completely supervised by the UN, should choose to join with Indonesia, then we all should applaud the verdict of the people".

26/12/1992 - Commenting recent events in East Timor in the Diario de Noticias newspaper: "Xanana has not sold out. He was captured during a military operation, which is known to have been carried out with great intensity since June. ... Both internally and on the international scene, the forthcoming months will be difficult and decisive for East Timor. Firmer and more imaginative action in the US, EC and Third World could tip the diplomatic balance in our favour in the coming months and influence the very political evolution in Indonesia. We are going to win the battle. I am convinced of that".

II. MAP OF THE REGION